

HB3512



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB3512

by Rep. Robert F. Martwick

SYNOPSIS AS INTRODUCED:

See Index

Amends the Uniform Interstate Family Support Act. Makes technical and substantive changes throughout the Act in accordance with the 2008 amendments recommended by the National Conference of Commissioners on Uniform State Laws.

LRB099 09539 HEP 29747 b

A BILL FOR

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Uniform Interstate Family Support Act is
5 amended by renumbering and changing Sections 902 and 903, by
6 changing Sections 102, 103, 104, 201, 203, 204, 205, 206, 207,
7 208, 209, 210, 211, 301, 302, 304, 305, 306, 307, 308, 310,
8 311, 312, 313, 314, 316, 317, 318, 319, 401, 502, 503, 504,
9 505, 506, 507, 601, 602, 603, 604, 605, 606, 607, 608, 609,
10 610, 611, 612, 615, 701, and 802, by changing the headings of
11 Articles 4, 5, and 7, by changing the headings of Parts 1 and 3
12 of Article 6, by adding Sections 105, 402, 616, 702, 703, 704,
13 705, 706, 707, 708, 709, 710, 711, 712, 713, and 902, and by
14 adding the heading of Part 4 of Article 6 as follows:

15 (750 ILCS 22/102) (was 750 ILCS 22/101)

16 Sec. 102. Definitions. In this Act:

17 (1) "Child" means an individual, whether over or under the
18 age of majority ~~18~~, who is or is alleged to be owed a duty of
19 support by the individual's parent or who is or is alleged to
20 be the beneficiary of a support order directed to the parent.

21 (2) "Child-support order" means a support order for a
22 child, including a child who has attained the age of majority
23 under the law of the issuing state or foreign country ~~18~~.

1 (3) "Convention" means the Convention on the International
2 Recovery of Child Support and Other Forms of Family
3 Maintenance, concluded at The Hague on November 23, 2007.

4 (4) "Duty of support" means an obligation imposed or
5 imposable by law to provide support for a child, spouse, or
6 former spouse including an unsatisfied obligation to provide
7 support.

8 (5) "Foreign country" means a country, including a
9 political subdivision thereof, other than the United States,
10 that authorizes the issuance of support orders and:

11 (A) which has been declared under the law of the United
12 States to be a foreign reciprocating country;

13 (B) which has established a reciprocal arrangement for
14 child support with this State as provided in Section 308;

15 (C) which has enacted a law or established procedures
16 for the issuance and enforcement of support orders which
17 are substantially similar to the procedures under this Act;
18 or

19 (D) in which the Convention is in force with respect to
20 the United States.

21 (6) "Foreign support order" means a support order of a
22 foreign tribunal.

23 (7) "Foreign tribunal" means a court, administrative
24 agency, or quasi-judicial entity of a foreign country which is
25 authorized to establish, enforce, or modify support orders or
26 to determine parentage of a child. The term includes a

1 competent authority under the Convention.

2 (8) "Home state" means the state or foreign country in
3 which a child lived with a parent or a person acting as parent
4 for at least 6 consecutive months immediately preceding the
5 time of filing of a petition or comparable pleading for
6 support, and if a child is less than 6 months old, the state or
7 foreign country in which the child lived from birth with any of
8 them. A period of temporary absence of any of them is counted
9 as part of the 6-month or other period.

10 (9) "Income" includes earnings or other periodic
11 entitlements to money from any source and any other property
12 subject to withholding for support under the law of this State.

13 (10) "Income-withholding order" means an order or other
14 legal process directed to an obligor's employer or other
15 debtor, as defined by the Illinois Marriage and Dissolution of
16 Marriage Act, the Non-Support of Spouse and Children Act, the
17 Non-Support Punishment Act, the Illinois Public Aid Code, and
18 the Illinois Parentage Act of 1984, to withhold support from
19 the income of the obligor.

20 (11) "Initiating tribunal state" means the tribunal of a
21 state or foreign country from which a petition or comparable
22 pleading proceeding is forwarded or in which a petition or
23 comparable pleading proceeding is filed for forwarding to
24 another state or foreign country ~~a responding state under this~~
25 ~~Act or a law or procedure substantially similar to this Act.~~

26 ~~"Initiating tribunal" means the authorized tribunal in an~~

1 ~~initiating state.~~

2 (12) "Issuing foreign country" means the foreign country in
3 which a tribunal issues a support order or a judgment
4 determining parentage of a child.

5 (13) "Issuing state" means the state in which a tribunal
6 issues a support order or ~~renders~~ a judgment determining
7 parentage of a child.

8 (14) "Issuing tribunal" means the tribunal of a state or
9 foreign country that issues a support order or ~~renders~~ a
10 judgment determining parentage of a child.

11 (15) "Law" includes decisional and statutory law and rules
12 and regulations having the force of law.

13 (16) "Obligee" means:

14 (A) an individual to whom a duty of support is or is
15 alleged to be owed or in whose favor a support order ~~has~~
16 ~~been issued~~ or a judgment determining parentage of a child
17 has been issued ~~has been rendered~~;

18 (B) a foreign country, state, or political subdivision
19 of a state to which the rights under a duty of support or
20 support order have been assigned or which has independent
21 claims based on financial assistance provided to an
22 individual obligee in place of child support; ~~or~~

23 (C) an individual seeking a judgment determining
24 parentage of the individual's child; or ~~or~~

25 (D) a person that is a creditor in a proceeding under
26 Article 7.

1 (17) "Obligor" means an individual, or the estate of a
2 decedent that:

3 (A) ~~(i) who~~ owes or is alleged to owe a duty of
4 support;

5 (B) ~~(ii) who~~ is alleged but has not been adjudicated to
6 be a parent of a child; ~~or~~

7 (C) ~~(iii) who~~ is liable under a support order; or.

8 (D) is a debtor in a proceeding under Article 7.

9 (18) "Outside this State" means a location in another state
10 or a country other than the United States, whether or not the
11 country is a foreign country.

12 (19) "Person" means an individual, corporation, business
13 trust, estate, trust, partnership, limited liability company,
14 association, joint venture, public corporation, government or
15 governmental subdivision, agency, or instrumentality, ~~public~~
16 ~~corporation~~, or any other legal or commercial entity.

17 (20) "Record" means information that is inscribed on a
18 tangible medium or that is stored in an electronic or other
19 medium and is retrievable in perceivable form.

20 (21) "Register" means to record in a tribunal of this State
21 a support order or judgment determining parentage of a child
22 issued in another state or a foreign country ~~in the appropriate~~
23 ~~Registry of Foreign Support Orders.~~

24 (22) "Registering tribunal" means a tribunal in which a
25 support order or judgment determining parentage of a child is
26 registered.

1 (23) "Responding state" means a state in which a petition
2 or comparable pleading for support or to determine parentage of
3 a child proceeding is filed or to which a petition or
4 comparable pleading proceeding is forwarded for filing from
5 another an initiating state or a foreign country under this Act
6 or a law or procedure substantially similar to this Act.

7 (24) "Responding tribunal" means the authorized tribunal
8 in a responding state or foreign country.

9 (25) "Spousal-support order" means a support order for a
10 spouse or former spouse of the obligor.

11 (26) "State" means a state of the United States, the
12 District of Columbia, Puerto Rico, the United States Virgin
13 Islands, or any territory or insular possession under subject
14 to the jurisdiction of the United States. The term includes an
15 Indian nation or tribe.+

16 ~~(A) an Indian tribe; and~~

17 ~~(B) a foreign country or political subdivision that:~~

18 ~~(i) has been declared to be a foreign reciprocating~~
19 ~~country or political subdivision under federal law;~~

20 ~~(ii) has established a reciprocal arrangement for~~
21 ~~child support with this State as provided in Section~~
22 ~~308; or~~

23 ~~(iii) has enacted a law or established procedures~~
24 ~~for issuance and enforcement of support orders which~~
25 ~~are substantially similar to the procedures under this~~
26 ~~Act.~~

1 (27) "Support enforcement agency" means a public official,
2 governmental entity, or private agency authorized to ~~seek~~:

3 (A) seek enforcement of support orders or laws relating
4 to the duty of support;

5 (B) seek establishment or modification of child
6 support;

7 (C) request determination of parentage of a child;

8 (D) attempt to locate obligors or their assets; or

9 (E) request determination of the controlling
10 child-support ~~child support~~ order.

11 (28) "Support order" means a judgment, decree, order,
12 decision, or directive, whether temporary, final, or subject to
13 modification, issued in a state or foreign country ~~by a~~
14 ~~tribunal~~ for the benefit of a child, a spouse, or a former
15 spouse, which provides for monetary support, health care,
16 arrearages, retroactive support, or reimbursement for
17 financial assistance provided to an individual obligee in place
18 of child support. The term, ~~and~~ may include related costs and
19 fees, interest, income withholding, automatic adjustment,
20 reasonable attorney's fees, and other relief.

21 (29) "Tribunal" means a court, administrative agency, or
22 quasi-judicial entity authorized to establish, enforce, or
23 modify support orders or to determine parentage of a child.

24 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04; revised
25 11-26-14.)

1 (750 ILCS 22/103) (was 750 ILCS 22/102)

2 Sec. 103. State tribunal and support enforcement agency
3 ~~Tribunal of State.~~

4 (a) The circuit court is a tribunal of this State. The
5 Department of Healthcare and Family Services is an initiating
6 tribunal. The Department of Healthcare and Family Services is
7 also a responding tribunal of this State to the extent that it
8 can administratively establish paternity and establish,
9 modify, and enforce an administrative child-support order
10 under authority of Article X of the Illinois Public Aid Code.

11 (b) The Illinois Department of Healthcare and Family
12 Services is the support enforcement agency of this State.

13 (Source: P.A. 95-331, eff. 8-21-07.)

14 (750 ILCS 22/104) (was 750 ILCS 22/103)

15 Sec. 104. Remedies cumulative.

16 (a) Remedies provided by this Act are cumulative and do not
17 affect the availability of remedies under other law, or
18 ~~including~~ the recognition of a foreign support order ~~of a~~
19 ~~foreign country or political subdivision~~ on the basis of
20 comity.

21 (b) This Act does not:

22 (1) provide the exclusive method of establishing or
23 enforcing a support order under the law of this State; or

24 (2) grant a tribunal of this State jurisdiction to
25 render judgment or issue an order relating to child custody

1 or visitation in a proceeding under this Act.

2 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04.)

3 (750 ILCS 22/105 new)

4 Sec. 105. Application of Act to resident of foreign country
5 and foreign support proceeding.

6 (a) A tribunal of this State shall apply Articles 1 through
7 6 and, as applicable, Article 7, to a support proceeding
8 involving:

9 (1) a foreign support order;

10 (2) a foreign tribunal; or

11 (3) an obligee, obligor, or child residing in a foreign
12 country.

13 (b) A tribunal of this State that is requested to recognize
14 and enforce a support order on the basis of comity may apply
15 the procedural and substantive provisions of Articles 1 through
16 6.

17 (c) Article 7 applies only to a support proceeding under
18 the Convention. In such a proceeding, if a provision of Article
19 7 is inconsistent with Articles 1 through 6, Article 7
20 controls.

21 (750 ILCS 22/201)

22 Sec. 201. Bases for jurisdiction over nonresident.

23 (a) In a proceeding to establish or enforce a support order
24 or to determine parentage of a child, a tribunal of this State

1 may exercise personal jurisdiction over a nonresident
2 individual or the individual's guardian or conservator if:

3 (1) the individual is personally served with notice
4 within this State;

5 (2) the individual submits to the jurisdiction of this
6 State by consent in a record, by entering a general
7 appearance, or by filing a responsive document having the
8 effect of waiving any contest to personal jurisdiction;

9 (3) the individual resided with the child in this
10 State;

11 (4) the individual resided in this State and provided
12 prenatal expenses or support for the child;

13 (5) the child resides in this State as a result of the
14 acts or directives of the individual;

15 (6) the individual engaged in sexual intercourse in
16 this State and the child may have been conceived by that
17 act of intercourse;

18 (7) the individual asserted parentage of a child in the
19 putative father registry maintained in this State by the
20 Illinois Department of Children and Family Services
21 ~~(blank)~~; or

22 (8) there is any other basis consistent with the
23 constitutions of this State and the United States for the
24 exercise of personal jurisdiction.

25 (b) The bases of personal jurisdiction set forth in
26 subsection (a) or in any other law of this State may not be

1 used to acquire personal jurisdiction for a tribunal of this
2 ~~the~~ State to modify a child-support ~~child-support~~ order of
3 another state unless the requirements of Section 611 are met,
4 or, in the case of a foreign support order, unless the
5 requirements of Section ~~or~~ 615 are met.

6 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04.)

7 (750 ILCS 22/203)

8 Sec. 203. Initiating and responding tribunal of State.
9 Under this Act, a tribunal of this State may serve as an
10 initiating tribunal to forward proceedings to a tribunal of
11 another state and as a responding tribunal for proceedings
12 initiated in another state or a foreign country.

13 (Source: P.A. 90-240, eff. 7-28-97.)

14 (750 ILCS 22/204)

15 Sec. 204. Simultaneous proceedings.

16 (a) A tribunal of this State may exercise jurisdiction to
17 establish a support order if the petition or comparable
18 pleading is filed after a ~~petition or comparable~~ pleading is
19 filed in another state or a foreign country only if:

20 (1) the petition or comparable pleading in this State
21 is filed before the expiration of the time allowed in the
22 other state or the foreign country for filing a responsive
23 pleading challenging the exercise of jurisdiction by the
24 other state or the foreign country;

1 (2) the contesting party timely challenges the
2 exercise of jurisdiction in the other state or the foreign
3 country; and

4 (3) if relevant, this State is the home state of the
5 child.

6 (b) A tribunal of this State may not exercise jurisdiction
7 to establish a support order if the petition or comparable
8 pleading is filed before a petition or comparable pleading is
9 filed in another state or a foreign country if:

10 (1) the petition or comparable pleading in the other
11 state or foreign country is filed before the expiration of
12 the time allowed in this State for filing a responsive
13 pleading challenging the exercise of jurisdiction by this
14 State;

15 (2) the contesting party timely challenges the
16 exercise of jurisdiction in this State; and

17 (3) if relevant, the other state or foreign country is
18 the home state of the child.

19 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04.)

20 (750 ILCS 22/205)

21 Sec. 205. Continuing, exclusive jurisdiction to modify
22 child-support order.

23 (a) A tribunal of this State that has issued a support
24 order consistent with the law of this State has and shall
25 exercise continuing, exclusive jurisdiction to modify its

1 child-support order if the order is the controlling order and:

2 (1) at the time of the filing of a request for
3 modification this State is the residence of the obligor,
4 the individual obligee, or the child for whose benefit the
5 support order is issued; or

6 (2) even if this State is not the residence of the
7 obligor, the individual obligee, or the child for whose
8 benefit the support order is issued, the parties consent in
9 a record or in open court that the tribunal of this State
10 may continue to exercise ~~the~~ jurisdiction to modify its
11 order.

12 (b) A tribunal of this State that has issued a
13 child-support order consistent with the law of this State may
14 not exercise continuing exclusive jurisdiction to modify the
15 order if:

16 (1) all of the parties who are individuals file consent
17 in a record with the tribunal of this State that a tribunal
18 of another state that has jurisdiction over at least one of
19 the parties who is an individual or that is located in the
20 state of residence of the child may modify the order and
21 assume continuing, exclusive jurisdiction; or

22 (2) its order is not the controlling order.

23 (c) If a tribunal of another state has issued a
24 child-support order pursuant to the Uniform Interstate Family
25 Support Act or a law substantially similar to that Act which
26 modifies a child-support order of a tribunal of this State,

1 tribunals of this State shall recognize the continuing,
2 exclusive jurisdiction of the tribunal of the other state.

3 (d) A tribunal of this State that lacks continuing,
4 exclusive jurisdiction to modify a child-support order may
5 serve as an initiating tribunal to request a tribunal of
6 another state to modify a support order issued in that state.

7 (e) A temporary support order issued ex parte or pending
8 resolution of a jurisdictional conflict does not create
9 continuing, exclusive jurisdiction in the issuing tribunal.

10 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04.)

11 (750 ILCS 22/206)

12 Sec. 206. Continuing jurisdiction to enforce child-support
13 order.

14 (a) A tribunal of this State that has issued a
15 child-support order consistent with the law of this State may
16 serve as an initiating tribunal to request a tribunal of
17 another state to enforce:

18 (1) the order if the order is the controlling order and
19 has not been modified by a tribunal of another state that
20 assumed jurisdiction pursuant to the Uniform Interstate
21 Family Support Act; or

22 (2) a money judgment for arrears of support and
23 interest on the order accrued before a determination that
24 an order of a tribunal of another state is the controlling
25 order.

1 (b) A tribunal of this State having continuing jurisdiction
2 over a support order may act as a responding tribunal to
3 enforce the order.

4 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04.)

5 (750 ILCS 22/207)

6 Sec. 207. Determination of controlling child-support
7 order.

8 (a) If a proceeding is brought under this Act and only one
9 tribunal has issued a child-support order, the order of that
10 tribunal controls and must be ~~so~~ recognized.

11 (b) If a proceeding is brought under this Act, and two or
12 more child-support orders have been issued by tribunals of this
13 State, ~~or~~ another state, or a foreign country with regard to
14 the same obligor and same child, a tribunal of this State
15 having personal jurisdiction over both the obligor and
16 individual obligee shall apply the following rules and by order
17 shall determine which order controls and must be recognized:

18 (1) If only one of the tribunals would have continuing,
19 exclusive jurisdiction under this Act, the order of that
20 tribunal controls ~~and must be so recognized~~.

21 (2) If more than one of the tribunals would have
22 continuing, exclusive jurisdiction under this Act:

23 (A) an order issued by a tribunal in the current
24 home state of the child controls; or ~~but~~

25 (B) if an order has not been issued in the current

1 home state of the child, the order most recently issued
2 controls.

3 (3) If none of the tribunals would have continuing,
4 exclusive jurisdiction under this Act, the tribunal of this
5 State shall issue a child-support order, which controls.

6 (c) If two or more child-support orders have been issued
7 for the same obligor and same child, upon request of a party
8 who is an individual or that is a support enforcement agency, a
9 tribunal of this State having personal jurisdiction over both
10 the obligor and the obligee who is an individual shall
11 determine which order controls under subsection (b). The
12 request may be filed with a registration for enforcement or
13 registration for modification pursuant to Article 6, or may be
14 filed as a separate proceeding.

15 (d) A request to determine which is the controlling order
16 must be accompanied by a copy of every child-support order in
17 effect and the applicable record of payments. The requesting
18 party shall give notice of the request to each party whose
19 rights may be affected by the determination.

20 (e) The tribunal that issued the controlling order under
21 subsection (a), (b), or (c) has continuing jurisdiction to the
22 extent provided in Section 205 or 206.

23 (f) A tribunal of this State that determines by order which
24 is the controlling order under subsection (b)(1) or (2) or (c),
25 or that issues a new controlling order under subsection (b)(3),
26 shall state in that order:

1 (1) the basis upon which the tribunal made its
2 determination;

3 (2) the amount of prospective support, if any; and

4 (3) the total amount of consolidated arrears and
5 accrued interest, if any, under all of the orders after all
6 payments made are credited as provided by Section 209.

7 (g) Within 30 days after issuance of an order determining
8 which is the controlling order, the party obtaining the order
9 shall file a certified copy of it in each tribunal that issued
10 or registered an earlier order of child support. A party or
11 support enforcement agency obtaining the order that fails to
12 file a certified copy is subject to appropriate sanctions by a
13 tribunal in which the issue of failure to file arises. The
14 failure to file does not affect the validity or enforceability
15 of the controlling order.

16 (h) An order that has been determined to be the controlling
17 order, or a judgment for consolidated arrears of support and
18 interest, if any, made pursuant to this Section must be
19 recognized in proceedings under this Act.

20 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04.)

21 (750 ILCS 22/208)

22 Sec. 208. Child-support orders for two or more obligees. In
23 responding to registrations or petitions for enforcement of two
24 or more child-support ~~child-support~~ orders in effect at the
25 same time with regard to the same obligor and different

1 individual obligees, at least one of which was issued by a
2 tribunal of another state or a foreign country, a tribunal of
3 this State shall enforce those orders in the same manner as if
4 the orders had been issued by a tribunal of this State.

5 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04.)

6 (750 ILCS 22/209)

7 Sec. 209. Credit for payments. A tribunal of this State
8 shall credit amounts collected for a particular period pursuant
9 to any child-support order against the amounts owed for the
10 same period under any other child-support order for support of
11 the same child issued by a tribunal of this State, ~~or~~ another
12 state, or a foreign country.

13 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04.)

14 (750 ILCS 22/210)

15 Sec. 210. Application of Act to nonresident subject to
16 personal jurisdiction. A tribunal of this State exercising
17 personal jurisdiction over a nonresident in a proceeding under
18 this Act, under other law of this State relating to a support
19 order, or recognizing a foreign support order ~~of a foreign~~
20 ~~country or political subdivision on the basis of comity~~ may
21 receive evidence from outside this State ~~another state~~ pursuant
22 to Section 316, communicate with a tribunal outside this State
23 ~~of another state~~ pursuant to Section 317, and obtain discovery
24 through a tribunal outside this State ~~of another state~~ pursuant

1 to Section 318. In all other respects, Articles 3 through 6 7
2 do not apply, and the tribunal shall apply the procedural and
3 substantive law of this State.

4 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04.)

5 (750 ILCS 22/211)

6 Sec. 211. Continuing, exclusive jurisdiction to modify
7 spousal-support order.

8 (a) A tribunal of this State issuing a spousal-support
9 order consistent with the law of this State has continuing,
10 exclusive jurisdiction to modify the spousal-support order
11 throughout the existence of the support obligation.

12 (b) A tribunal of this State may not modify a
13 spousal-support order issued by a tribunal of another state or
14 a foreign country having continuing, exclusive jurisdiction
15 over that order under the law of that state or foreign country.

16 (c) A tribunal of this State that has continuing, exclusive
17 jurisdiction over a spousal-support order may serve as:

18 (1) an initiating tribunal to request a tribunal of
19 another state to enforce the spousal-support order issued
20 in this State; or

21 (2) a responding tribunal to enforce or modify its own
22 spousal-support order.

23 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04.)

24 (750 ILCS 22/301)

1 Sec. 301. Proceedings under Act.

2 (a) Except as otherwise provided in this Act, this Article
3 applies to all proceedings under this Act.

4 (b) An individual petitioner ~~obligee~~ or a support
5 enforcement agency may initiate a proceeding authorized under
6 this Act by filing a petition in an initiating tribunal for
7 forwarding to a responding tribunal or by filing a petition or
8 a comparable pleading directly in a tribunal of another state
9 or a foreign country which has or can obtain personal
10 jurisdiction over the respondent ~~obligor~~.

11 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04.)

12 (750 ILCS 22/302)

13 Sec. 302. Proceeding by minor parent. A minor parent, or a
14 guardian or other legal representative of a minor parent, may
15 maintain a proceeding on behalf of or for the benefit of the
16 minor's child.

17 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04.)

18 (750 ILCS 22/304)

19 Sec. 304. Duties of initiating tribunal.

20 (a) Upon the filing of a petition authorized by this Act,
21 an initiating tribunal of this State shall forward the petition
22 and its accompanying documents:

23 (1) to the responding tribunal or appropriate support
24 enforcement agency in the responding state; or

1 (2) if the identity of the responding tribunal is
2 unknown, to the state information agency of the responding
3 state with a request that they be forwarded to the
4 appropriate tribunal and that receipt be acknowledged.

5 (b) If requested by the responding tribunal, a tribunal of
6 this State shall issue a certificate or other document and make
7 findings required by the law of the responding state. If the
8 responding tribunal state is in a foreign country ~~or political~~
9 ~~subdivision~~, upon request the tribunal of this State shall
10 specify the amount of support sought, convert that amount into
11 the equivalent amount in the foreign currency under applicable
12 official or market exchange rate as publicly reported, and
13 provide any other documents necessary to satisfy the
14 requirements of the responding foreign tribunal state.

15 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04.)

16 (750 ILCS 22/305)

17 Sec. 305. Duties and powers of responding tribunal.

18 (a) When a responding tribunal of this State receives a
19 petition or comparable pleading from an initiating tribunal or
20 directly pursuant to Section 301(b), it shall cause the
21 petition or pleading to be filed and notify the petitioner
22 ~~obligee~~ where and when it was filed.

23 (b) A responding tribunal of this State, to the extent not
24 prohibited by other law, may do one or more of the following:

25 (1) establish issue or enforce a support order, modify

1 a child-support order, determine the controlling
2 child-support order, or determine parentage of a child;

3 (2) order an obligor to comply with a support order,
4 specifying the amount and the manner of compliance;

5 (3) order income withholding;

6 (4) determine the amount of any arrearages, and specify
7 a method of payment;

8 (5) enforce orders by civil or criminal contempt, or
9 both;

10 (6) set aside property for satisfaction of the support
11 order;

12 (7) place liens and order execution on the obligor's
13 property;

14 (8) order an obligor to keep the tribunal informed of
15 the obligor's current residential address, electronic-mail
16 address, telephone number, employer, address of
17 employment, and telephone number at the place of
18 employment;

19 (9) issue a bench warrant for an obligor who has failed
20 after proper notice to appear at a hearing ordered by the
21 tribunal and enter the bench warrant in any local and state
22 computer systems for criminal warrants;

23 (10) order the obligor to seek appropriate employment
24 by specified methods;

25 (11) award reasonable attorney's fees and other fees
26 and costs; and

1 (12) grant any other available remedy.

2 (c) A responding tribunal of this State shall include in a
3 support order issued under this Act, or in the documents
4 accompanying the order, the calculations on which the support
5 order is based.

6 (d) A responding tribunal of this State may not condition
7 the payment of a support order issued under this Act upon
8 compliance by a party with provisions for visitation.

9 (e) If a responding tribunal of this State issues an order
10 under this Act, the tribunal shall send a copy of the order to
11 the petitioner ~~obligee~~ and the respondent ~~obligor~~ and to the
12 initiating tribunal, if any.

13 (f) If requested to enforce a support order, arrears, or
14 judgment ~~judgement~~ or modify a support order stated in a
15 foreign currency, a responding tribunal of this State shall
16 convert the amount stated in the foreign currency to the
17 equivalent amount in dollars under the applicable official or
18 market exchange rate as publicly reported.

19 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04.)

20 (750 ILCS 22/306)

21 Sec. 306. Inappropriate tribunal. If a petition or
22 comparable pleading is received by an inappropriate tribunal of
23 this State, the tribunal shall forward the pleading and
24 accompanying documents to an appropriate tribunal of ~~in~~ this
25 State or another state and notify the petitioner ~~obligee~~ where

1 and when the pleading was sent.

2 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04.)

3 (750 ILCS 22/307)

4 Sec. 307. Duties of support enforcement agency.

5 (a) In a proceeding under this Act, a ~~A~~ support enforcement
6 agency of this State, upon request:~~;~~

7 (1) shall provide services to a petitioner residing in
8 a state;

9 (2) shall provide services to a petitioner requesting
10 services through a central authority of a foreign country
11 as described in Section 102(5)(A) or (D); and

12 (3) may provide services to a petitioner who is an
13 individual not residing in a state ~~proceeding under this~~
14 ~~Act.~~

15 This subsection does not affect any ability the support
16 enforcement agency may have to require an application for
17 services, charge fees, or recover costs in accordance with
18 federal or State law and regulations.

19 (b) A support enforcement agency of this State that is
20 providing services to the petitioner shall:

21 (1) take all steps necessary to enable an appropriate
22 tribunal of ~~in~~ this State, ~~or~~ another state, or a foreign
23 country to obtain jurisdiction over the respondent;

24 (2) request an appropriate tribunal to set a date,
25 time, and place for a hearing;

1 (3) make a reasonable effort to obtain all relevant
2 information, including information as to income and
3 property of the parties;

4 (4) within two ~~10~~ days, exclusive of Saturdays,
5 Sundays, and legal holidays, after receipt of ~~a written~~
6 notice in a record from an initiating, responding, or
7 registering tribunal, send a copy of the notice to the
8 petitioner;

9 (5) within two ~~10~~ days, exclusive of Saturdays,
10 Sundays, and legal holidays, after receipt of ~~a written~~
11 communication in a record from the respondent or the
12 respondent's attorney, send a copy of the communication to
13 the petitioner; and

14 (6) notify the petitioner if jurisdiction over the
15 respondent cannot be obtained.

16 (c) A support enforcement agency of this State that
17 requests registration of a child-support order in this State
18 for enforcement or for modification shall make reasonable
19 efforts:

20 (1) to ensure that the order to be registered is the
21 controlling order; or

22 (2) if two or more child-support orders exist and the
23 identity of the controlling order has not been determined,
24 to ensure that a request for such a determination is made
25 in a tribunal having jurisdiction to do so.

26 (d) A support enforcement agency of this State that

1 requests registration and enforcement of a support order,
2 arrears, or judgment ~~judgement~~ stated in a foreign currency
3 shall convert the amounts stated in the foreign currency into
4 the equivalent amounts in dollars under the applicable official
5 or market exchange rate as publicly reported.

6 (e) A support enforcement agency of this State shall issue
7 or request a tribunal of this State to issue a child-support
8 order and an income-withholding order that redirect payment of
9 current support, arrears, and interest if requested to do so by
10 a support enforcement agency of another state pursuant to
11 Section 319 ~~of the Uniform Interstate Family Support Act.~~

12 (f) This Act does not create or negate a relationship of
13 attorney and client or other fiduciary relationship between a
14 support enforcement agency or the attorney for the agency and
15 the individual being assisted by the agency.

16 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04.)

17 (750 ILCS 22/308)

18 Sec. 308. Duty of Attorney General.

19 (a) ~~If the support enforcement agency is a prosecuting~~
20 ~~attorney of this State and if~~ the Attorney General determines
21 that the support enforcement agency is neglecting or refusing
22 to provide services to an individual, the Attorney General may
23 order the agency to perform its duties under this Act or may
24 provide those services directly to the individual.

25 (b) The Attorney General may determine that a foreign

1 country has established a reciprocal arrangement for child
2 support with this State and take appropriate action for
3 notification of the determination.

4 (Source: P.A. 88-550, eff. date changed from 1-1-95 to 1-1-96
5 by P.A. 88-691.)

6 (750 ILCS 22/310)

7 Sec. 310. Duties of the Illinois Department of Healthcare
8 and Family Services.

9 (a) The Illinois Department of Healthcare and Family
10 Services is the state information agency under this Act.

11 (b) The state information agency shall:

12 (1) compile and maintain a current list, including
13 addresses, of the tribunals in this State which have
14 jurisdiction under this Act and any support enforcement
15 agencies in this State and transmit a copy to the state
16 information agency of every other state;

17 (2) maintain a register of names and addresses of
18 tribunals and support enforcement agencies received from
19 other states;

20 (3) forward to the appropriate tribunal in the county
21 in this State in which the obligee who is an individual or
22 the obligor resides, or in which the obligor's property is
23 believed to be located, all documents concerning a
24 proceeding under this Act received from another state or a
25 foreign country ~~an initiating tribunal or the state~~

1 ~~information agency of the initiating state; and~~

2 (4) obtain information concerning the location of the
3 obligor and the obligor's property within this State not
4 exempt from execution, by such means as postal verification
5 and federal or state locator services, examination of
6 telephone directories, requests for the obligor's address
7 from employers, and examination of governmental records,
8 including, to the extent not prohibited by other law, those
9 relating to real property, vital statistics, law
10 enforcement, taxation, motor vehicles, driver's licenses,
11 and social security.

12 ~~(c) The Department of Healthcare and Family Services may~~
13 ~~determine that a foreign country or political subdivision has~~
14 ~~established a reciprocal arrangement for child support with~~
15 ~~Illinois and take appropriate action for notification of this~~
16 ~~determination.~~

17 (Source: P.A. 95-331, eff. 8-21-07.)

18 (750 ILCS 22/311)

19 Sec. 311. Pleadings and accompanying documents.

20 (a) In a proceeding under this Act, a petitioner seeking to
21 establish a support order, to determine parentage of a child,
22 or to register and modify a support order of a tribunal of
23 another state or a foreign country must file a petition. Unless
24 otherwise ordered under Section 312, the petition or
25 accompanying documents must provide, so far as known, the name,

1 residential address, and social security numbers of the obligor
2 ~~respondent~~ and the obligee ~~petitioner~~ or the parent and alleged
3 parent, and the name, sex, residential address, social security
4 number, and date of birth of each child for whose benefit
5 support is sought or whose parentage is to be determined.
6 Unless filed at the time of registration, the petition must be
7 accompanied by a copy of any support order known to have been
8 issued by another tribunal. The petition may include any other
9 information that may assist in locating or identifying the
10 respondent.

11 (b) The petition must specify the relief sought. The
12 petition and accompanying documents must conform substantially
13 with the requirements imposed by the forms mandated by federal
14 law for use in cases filed by a support enforcement agency.

15 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04.)

16 (750 ILCS 22/312)

17 Sec. 312. Nondisclosure of information in exceptional
18 circumstances. If a party alleges in an affidavit or a pleading
19 under oath that the health, safety, or liberty of a party or
20 child would be jeopardized by disclosure of specific
21 identifying information, that information must be sealed and
22 may not be disclosed to the other party or the public. After a
23 hearing in which a tribunal takes into consideration the
24 health, safety, or liberty of the party or child, the tribunal
25 may order disclosure of information that the tribunal

1 determines to be in the interest of justice.

2 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04.)

3 (750 ILCS 22/313)

4 Sec. 313. Costs and fees.

5 (a) The petitioner may not be required to pay a filing fee
6 or other costs.

7 (b) If an obligee ~~a petitioner~~ prevails, a responding
8 tribunal of this State may assess against an obligor ~~a~~
9 ~~respondent~~ filing fees, reasonable attorney's fees, other
10 costs, and necessary travel and other reasonable expenses
11 incurred by the obligee ~~petitioner~~ and the obligee's
12 ~~petitioner's~~ witnesses. The tribunal may not assess fees,
13 costs, or expenses against the obligee ~~petitioner~~ or the
14 support enforcement agency of either the initiating or ~~the~~
15 responding state or foreign country, except as provided by
16 other law. Attorney's fees may be taxed as costs, and may be
17 ordered paid directly to the attorney, who may enforce the
18 order in the attorney's own name. Payment of support owed to
19 the obligee ~~petitioner~~ has priority over fees, costs, and
20 expenses.

21 (c) The tribunal shall order the payment of costs and
22 reasonable attorney's fees if it determines that a hearing was
23 requested primarily for delay. In a proceeding under Article 6,
24 a hearing is presumed to have been requested primarily for
25 delay if a registered support order is confirmed or enforced

1 without change.

2 (Source: P.A. 88-550, eff. date changed from 1-1-95 to 1-1-96
3 by P.A. 88-691; 88-691, eff. 1-24-95.)

4 (750 ILCS 22/314)

5 Sec. 314. Limited immunity of petitioner.

6 (a) Participation by a petitioner in a proceeding under
7 this Act before a responding tribunal, whether in person, by
8 private attorney, or through services provided by the support
9 enforcement agency, does not confer personal jurisdiction over
10 the petitioner in another proceeding.

11 (b) A petitioner is not amenable to service of civil
12 process while physically present in this State to participate
13 in a proceeding under this Act.

14 (c) The immunity granted by this Section does not extend to
15 civil litigation based on acts unrelated to a proceeding under
16 this Act committed by a party while physically present in this
17 State to participate in the proceeding.

18 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04.)

19 (750 ILCS 22/316)

20 Sec. 316. Special rules of evidence and procedure.

21 (a) The physical presence of a nonresident party who is an
22 individual in a tribunal of this State is not required for the
23 establishment, enforcement, or modification of a support order
24 or the rendition of a judgment determining parentage of a

1 child.

2 (b) An affidavit, a document substantially complying with
3 federally mandated forms, or a document incorporated by
4 reference in any of them, which would not be excluded under the
5 hearsay rule if given in person, is admissible in evidence if
6 given under penalty of perjury by a party or witness residing
7 outside this State ~~in another state~~.

8 (c) A copy of the record of child-support payments
9 certified as a true copy of the original by the custodian of
10 the record may be forwarded to a responding tribunal. The copy
11 is evidence of facts asserted in it, and is admissible to show
12 whether payments were made.

13 (d) Copies of bills for testing for parentage of a child,
14 and for prenatal and postnatal health care of the mother and
15 child, furnished to the adverse party at least 10 days before
16 trial, are admissible in evidence to prove the amount of the
17 charges billed and that the charges were reasonable, necessary,
18 and customary.

19 (e) Documentary evidence transmitted from outside this
20 State ~~another state~~ to a tribunal of this State by telephone,
21 telecopier, or other electronic means that do not provide an
22 original record may not be excluded from evidence on an
23 objection based on the means of transmission.

24 (f) In a proceeding under this Act, a tribunal of this
25 State shall permit a party or witness residing outside this
26 State ~~in another state~~ to be deposed or to testify under

1 penalty of perjury by telephone, audiovisual means, or other
2 electronic means at a designated tribunal or other location ~~in~~
3 ~~that state~~. A tribunal of this State shall cooperate with other
4 ~~tribunals of other states~~ in designating an appropriate
5 location for the deposition or testimony.

6 (g) If a party called to testify at a civil hearing refuses
7 to answer on the ground that the testimony may be
8 self-incriminating, the trier of fact may draw an adverse
9 inference from the refusal.

10 (h) A privilege against disclosure of communications
11 between spouses does not apply in a proceeding under this Act.

12 (i) The defense of immunity based on the relationship of
13 husband and wife or parent and child does not apply in a
14 proceeding under this Act.

15 (j) A voluntary acknowledgment of paternity, certified as a
16 true copy, is admissible to establish parentage of the child.

17 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04.)

18 (750 ILCS 22/317)

19 Sec. 317. Communications between tribunals. A tribunal of
20 this State may communicate with a tribunal outside this State
21 ~~of another state or foreign country or political subdivision~~ in
22 a record, or by telephone, electronic mail, or other means, to
23 obtain information concerning the laws, the legal effect of a
24 judgment, decree, or order of that tribunal, and the status of
25 a proceeding ~~in the other state or foreign country or political~~

1 ~~subdivision~~. A tribunal of this State may furnish similar
2 information by similar means to a tribunal outside this State
3 ~~of another state or foreign country or political subdivision~~.

4 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04.)

5 (750 ILCS 22/318)

6 Sec. 318. Assistance with discovery. A tribunal of this
7 State may:

8 (1) request a tribunal outside this State ~~of another state~~
9 to assist in obtaining discovery; and

10 (2) upon request, compel a person over which ~~whom~~ it has
11 jurisdiction to respond to a discovery order issued by a
12 tribunal outside this State ~~of another state~~.

13 (Source: P.A. 88-550, eff. date changed from 1-1-95 to 1-1-96
14 by P.A. 88-691.)

15 (750 ILCS 22/319)

16 Sec. 319. Receipt and disbursement of payments.

17 (a) A support enforcement agency or tribunal of this State
18 shall disburse promptly any amounts received pursuant to a
19 support order, as directed by the order. The agency or tribunal
20 shall furnish to a requesting party or tribunal of another
21 state or a foreign country a certified statement by the
22 custodian of the record of the amounts and dates of all
23 payments received.

24 (b) If neither the obligor, nor the obligee who is an

1 individual, nor the child resides in this State, upon request
2 from the support enforcement agency of this State or another
3 state, the support enforcement agency of this State or a
4 tribunal of this State shall:

5 (1) direct that the support payment be made to the
6 support enforcement agency in the state in which the
7 obligee is receiving services; and

8 (2) issue and send to the obligor's employer a
9 conforming income-withholding order or an administrative
10 notice of change of payee, reflecting the redirected
11 payments.

12 (c) ~~(3)~~ The support enforcement agency of this State
13 receiving redirected payments from another state pursuant to a
14 law similar to subsection (b) shall furnish to a requesting
15 party or tribunal of the other state a certified statement by
16 the custodian of the record of the amount and dates of all
17 payments received.

18 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04.)

19 (750 ILCS 22/Art. 4 heading)

20 ARTICLE 4. ESTABLISHMENT OF SUPPORT ORDER

21 OR DETERMINATION OF PARENTAGE

22 (750 ILCS 22/401)

23 Sec. 401. Establishment of ~~Petition to establish~~ support
24 order.

1 (a) If a support order entitled to recognition under this
2 Act has not been issued, a responding tribunal of this State
3 with personal jurisdiction over the parties may issue a support
4 order if:

5 (1) the individual seeking the order resides outside
6 this State ~~in another state~~; or

7 (2) the support enforcement agency seeking the order is
8 located outside this State ~~in another state~~.

9 (b) The tribunal may issue a temporary child-support order
10 if the tribunal determines that such an order is appropriate
11 and the individual ordered to pay is:

12 (1) a presumed father of the child;

13 (2) petitioning to have his paternity adjudicated;

14 (3) identified as the father of the child through
15 genetic testing;

16 (4) an alleged father who has declined to submit to
17 genetic testing;

18 (5) shown by clear and convincing evidence to be the
19 father of the child;

20 (6) an acknowledged father as provided by applicable
21 State law;

22 (7) the mother of the child; or

23 (8) an individual who has been ordered to pay child
24 support in a previous proceeding and the order has not been
25 reversed or vacated.

26 (c) Upon finding, after notice and opportunity to be heard,

1 that an obligor ~~a respondent~~ owes a duty of support, the
2 tribunal shall issue a support order directed to the obligor
3 ~~respondent~~ and may issue other orders pursuant to Section 305.
4 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04.)

5 (750 ILCS 22/402 new)

6 Sec. 402. Proceeding to determine parentage. A tribunal of
7 this State authorized to determine parentage of a child may
8 serve as a responding tribunal in a proceeding to determine
9 parentage of a child brought under this Act or a law or
10 procedure substantially similar to this Act.

11 (750 ILCS 22/Art. 5 heading)

12 ARTICLE 5. ENFORCEMENT OF SUPPORT ORDER
13 ~~OF ANOTHER STATE~~ WITHOUT REGISTRATION

14 (750 ILCS 22/502)

15 Sec. 502. Employer's compliance with income-withholding
16 order of another state.

17 (a) Upon receipt of an income-withholding order, the
18 obligor's employer shall immediately provide a copy of the
19 order to the obligor.

20 (b) The employer shall treat an income-withholding order
21 issued in another state which appears regular on its face as if
22 it had been issued by a tribunal of this State.

23 (c) Except as otherwise provided in subsection (d) and

1 Section 503~~2~~, the employer shall withhold and distribute the
2 funds as directed in the withholding order by complying with
3 terms of the order which specify:

4 (1) the duration and amount of periodic payments of
5 current child-support, stated as a sum certain;

6 (2) the person designated to receive payments and the
7 address to which the payments are to be forwarded;

8 (3) medical support, whether in the form of periodic
9 cash payment, stated as a sum certain, or ordering the
10 obligor to provide health insurance coverage for the child
11 under a policy available through the obligor's employment;

12 (4) the amount of periodic payments of fees and costs
13 for a support enforcement agency, the issuing tribunal, and
14 the obligee's attorney, stated as sums certain; and

15 (5) the amount of periodic payments of arrearages and
16 interest on arrearages, stated as sums certain.

17 (d) An employer shall comply with the law of the state of
18 the obligor's principal place of employment for withholding
19 from income with respect to:

20 (1) the employer's fee for processing an
21 income-withholding order;

22 (2) the maximum amount permitted to be withheld from
23 the obligor's income; and

24 (3) the times within which the employer must implement
25 the withholding order and forward the child-support ~~child~~
26 ~~support~~ payment.

1 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04.)

2 (750 ILCS 22/503)

3 Sec. 503. Employer's compliance with two or more
4 income-withholding orders. If an obligor's employer receives
5 two or more income-withholding orders with respect to the
6 earnings of the same obligor, the employer satisfies the terms
7 of the orders if the employer complies with the law of the
8 state of the obligor's principal place of employment to
9 establish the priorities for withholding and allocating income
10 withheld for two or more child-support ~~child support~~ obligees.
11 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04.)

12 (750 ILCS 22/504)

13 Sec. 504. Immunity from civil liability. An employer that
14 ~~who~~ complies with an income-withholding order issued in another
15 state in accordance with this Article is not subject to civil
16 liability to an individual or agency with regard to the
17 employer's withholding of child support from the obligor's
18 income.

19 (Source: P.A. 90-240, eff. 7-28-97.)

20 (750 ILCS 22/505)

21 Sec. 505. Penalties for noncompliance. An employer that ~~who~~
22 willfully fails to comply with an income-withholding order
23 issued in ~~by~~ another state and received for enforcement is

1 subject to the same penalties that may be imposed for
2 noncompliance with an order issued by a tribunal of this State.
3 (Source: P.A. 90-240, eff. 7-28-97.)

4 (750 ILCS 22/506)

5 Sec. 506. Contest by obligor.

6 (a) An obligor may contest the validity or enforcement of
7 an income-withholding order issued in another state and
8 received directly by an employer in this State by registering
9 the order in a tribunal of this State and filing a contest to
10 that order as provided in Article 6, or otherwise contesting
11 the order in the same manner as if the order had been issued by
12 a tribunal of this State.

13 (b) The obligor shall give notice of the contest to:

14 (1) a support enforcement agency providing services to
15 the obligee;

16 (2) each employer that has directly received an
17 income-withholding order relating to the obligor; and

18 (3) the person designated to receive payments in the
19 income-withholding order or, if no person is designated, to
20 the obligee.

21 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04.)

22 (750 ILCS 22/507)

23 Sec. 507. Administrative enforcement of orders.

24 (a) A party or support enforcement agency seeking to

1 enforce a support order or an income-withholding order, or
2 both, issued by a tribunal in ~~of~~ another state or a foreign
3 support order may send the documents required for registering
4 the order to a support enforcement agency of this State.

5 (b) Upon receipt of the documents, the support enforcement
6 agency, without initially seeking to register the order, shall
7 consider and, if appropriate, use any administrative procedure
8 authorized by the law of this State to enforce a support order
9 or an income-withholding order, or both. If the obligor does
10 not contest administrative enforcement, the order need not be
11 registered. If the obligor contests the validity or
12 administrative enforcement of the order, the support
13 enforcement agency shall register the order pursuant to this
14 Act.

15 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04.)

16 (750 ILCS 22/Art. 6 Pt. 1 heading)

17 PART 1

18 REGISTRATION FOR ~~AND~~ ENFORCEMENT

19 OF SUPPORT ORDER

20 (Source: P.A. 88-550.)

21 (750 ILCS 22/601)

22 Sec. 601. Registration of order for enforcement. A support
23 order or income-withholding order issued in ~~by a tribunal of~~
24 another state or a foreign support order may be registered in

1 this State for enforcement.

2 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04.)

3 (750 ILCS 22/602)

4 Sec. 602. Procedure to register order for enforcement.

5 (a) Except as otherwise provided in Section 706, a A
6 support order or income-withholding order of another state or a
7 foreign support order may be registered in this State by
8 sending the following records ~~and information~~ to the
9 appropriate tribunal in this State:

10 (1) a letter of transmittal to the tribunal requesting
11 registration and enforcement;

12 (2) 2 copies, including one certified copy, of the
13 order to be registered, including any modification of the
14 order;

15 (3) a sworn statement by the person requesting
16 registration or a certified statement by the custodian of
17 the records showing the amount of any arrearage;

18 (4) the name of the obligor and, if known:

19 (A) ~~(i)~~ the obligor's address and social security
20 number;

21 (B) ~~(ii)~~ the name and address of the obligor's
22 employer and any other source of income of the obligor;
23 and

24 (C) ~~(iii)~~ a description and the location of
25 property of the obligor in this State not exempt from

1 execution; and

2 (5) except as otherwise provided in Section 312, the
3 name and address of the obligee and, if applicable, the
4 person to whom support payments are to be remitted.

5 (b) On receipt of a request for registration, the
6 registering tribunal shall cause the order to be filed as an
7 order of a tribunal of another state or a foreign support order
8 ~~judgment~~, together with one copy of the documents and
9 information, regardless of their form.

10 (c) A petition or comparable pleading seeking a remedy that
11 must be affirmatively sought under other law of this State may
12 be filed at the same time as the request for registration or
13 later. The pleading must specify the grounds for the remedy
14 sought.

15 (d) If two or more orders are in effect, the person
16 requesting registration shall:

17 (1) furnish to the tribunal a copy of every support
18 order asserted to be in effect in addition to the documents
19 specified in this Section;

20 (2) specify the order alleged to be the controlling
21 order, if any; and

22 (3) specify the amount of consolidated arrears, if any.

23 (e) A request for a determination of which is the
24 controlling order may be filed separately or with a request for
25 registration and enforcement or for registration and
26 modification. The person requesting registration shall give

1 notice of the request to each party whose rights may be
2 affected by the determination.

3 (Source: P.A. 92-463, eff. 8-22-01; 93-479, eff. 1-1-04,
4 operative 7-1-04.)

5 (750 ILCS 22/603)

6 Sec. 603. Effect of registration for enforcement.

7 (a) A support order or income-withholding order issued in
8 another state or a foreign support order is registered when the
9 order is filed in the registering tribunal of this State.

10 (b) A registered support order issued in another state or a
11 foreign country is enforceable in the same manner and is
12 subject to the same procedures as an order issued by a tribunal
13 of this State.

14 (c) Except as otherwise provided in this Act ~~Article~~, a
15 tribunal of this State shall recognize and enforce, but may not
16 modify, a registered support order if the issuing tribunal had
17 jurisdiction.

18 (Source: P.A. 88-550, eff. date changed from 1-1-95 to 1-1-96
19 by P.A. 88-691.)

20 (750 ILCS 22/604)

21 Sec. 604. Choice of law.

22 (a) Except as otherwise provided in subsection (d), the law
23 of the issuing state or foreign country governs:

24 (1) the nature, extent, amount, and duration of current

1 payments under a registered support order;

2 (2) the computation and payment of arrearages and
3 accrual of interest on the arrearages under the support
4 order; and

5 (3) the existence and satisfaction of other
6 obligations under the support order.

7 (b) In a proceeding for arrears under a registered support
8 order, the statute of limitation of this State, or of the
9 issuing state or foreign country, whichever is longer, applies.

10 (c) A responding tribunal of this State shall apply the
11 procedures and remedies of this State to enforce current
12 support and collect arrears and interest due on a support order
13 of another state or a foreign country registered in this State.

14 (d) After a tribunal of this State or another state
15 determines which is the controlling order and issues an order
16 consolidating arrears, if any, a tribunal of this State shall
17 prospectively apply the law of the state or foreign country
18 issuing the controlling order, including its law on interest on
19 arrears, on current and future support, and on consolidated
20 arrears.

21 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04.)

22 (750 ILCS 22/605)

23 Sec. 605. Notice of registration of order.

24 (a) When a support order or income-withholding order issued
25 in another state or a foreign support order is registered, the

1 registering tribunal of this State shall notify the
2 nonregistering party. The notice must be accompanied by a copy
3 of the registered order and the documents and relevant
4 information accompanying the order.

5 (b) A notice must inform the nonregistering party:

6 (1) that a registered support order is enforceable as
7 of the date of registration in the same manner as an order
8 issued by a tribunal of this State;

9 (2) that a hearing to contest the validity or
10 enforcement of the registered order must be requested
11 within 20 days after ~~the date of mailing or personal~~
12 ~~service of the~~ notice unless the registered order is under
13 Section 707;

14 (3) that failure to contest the validity or enforcement
15 of the registered order in a timely manner will result in
16 confirmation of the order and enforcement of the order and
17 the alleged arrearages ~~and precludes further contest of~~
18 ~~that order with respect to any matter that could have been~~
19 ~~asserted~~; and

20 (4) of the amount of any alleged arrearages.

21 (c) If the registering party asserts that two or more
22 orders are in effect, a notice must also:

23 (1) identify the two or more orders and the order
24 alleged by the registering party ~~person~~ to be the
25 controlling order and the consolidated arrears, if any;

26 (2) notify the nonregistering party of the right to a

1 determination of which is the controlling order;

2 (3) state that the procedures provided in subsection
3 (b) apply to the determination of which is the controlling
4 order; and

5 (4) state that failure to contest the validity or
6 enforcement of the order alleged to be the controlling
7 order in a timely manner may result in confirmation that
8 the order is the controlling order.

9 (d) Upon registration of an income-withholding order for
10 enforcement, the support enforcement agency or the registering
11 tribunal shall notify the obligor's employer pursuant to the
12 Income Withholding for Support Act.

13 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04.)

14 (750 ILCS 22/606)

15 Sec. 606. Procedure to contest validity or enforcement of
16 registered support order.

17 (a) A nonregistering party seeking to contest the validity
18 or enforcement of a registered support order in this State
19 shall request a hearing within the time required by Section 605
20 ~~20 days after the date of mailing or personal service of notice~~
21 ~~of the registration~~. The nonregistering party may seek to
22 vacate the registration, to assert any defense to an allegation
23 of noncompliance with the registered order, or to contest the
24 remedies being sought or the amount of any alleged arrearages
25 pursuant to Section 607.

1 (b) If the nonregistering party fails to contest the
2 validity or enforcement of the registered support order in a
3 timely manner, the order is confirmed by operation of law.

4 (c) If a nonregistering party requests a hearing to contest
5 the validity or enforcement of the registered support order,
6 the registering tribunal shall schedule the matter for hearing
7 and give notice to the parties of the date, time, and place of
8 the hearing.

9 (Source: P.A. 90-240, eff. 7-28-97.)

10 (750 ILCS 22/607)

11 Sec. 607. Contest of registration or enforcement.

12 (a) A party contesting the validity or enforcement of a
13 registered support order or seeking to vacate the registration
14 has the burden of proving one or more of the following
15 defenses:

16 (1) the issuing tribunal lacked personal jurisdiction
17 over the contesting party;

18 (2) the order was obtained by fraud;

19 (3) the order has been vacated, suspended, or modified
20 by a later order;

21 (4) the issuing tribunal has stayed the order pending
22 appeal;

23 (5) there is a defense under the law of this State to
24 the remedy sought;

25 (6) full or partial payment has been made;

1 (7) the statute of limitation under Section 604
2 precludes enforcement of some or all of the alleged
3 arrearages; or

4 (8) the alleged controlling order is not the
5 controlling order.

6 (b) If a party presents evidence establishing a full or
7 partial defense under subsection (a), a tribunal may stay
8 enforcement of a ~~the~~ registered support order, continue the
9 proceeding to permit production of additional relevant
10 evidence, and issue other appropriate orders. An uncontested
11 portion of the registered support order may be enforced by all
12 remedies available under the law of this State.

13 (c) If the contesting party does not establish a defense
14 under subsection (a) to the validity or enforcement of a
15 registered support ~~the~~ order, the registering tribunal shall
16 issue an order confirming the order.

17 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04.)

18 (750 ILCS 22/608)

19 Sec. 608. Confirmed order. Confirmation of a registered
20 support order, whether by operation of law or after notice and
21 hearing, precludes further contest of the order with respect to
22 any matter that could have been asserted at the time of
23 registration.

24 (Source: P.A. 88-550, eff. date changed from 1-1-95 to 1-1-96
25 by P.A. 88-691.)

1 (750 ILCS 22/Art. 6 Pt. 3 heading)

2 PART 3. REGISTRATION AND MODIFICATION OF
3 CHILD-SUPPORT ~~CHILD-SUPPORT~~ ORDER
4 OF ANOTHER STATE

5 (750 ILCS 22/609)

6 Sec. 609. Procedure to register child-support order of
7 another state for modification. A party or support enforcement
8 agency seeking to modify, or to modify and enforce, a
9 child-support order issued in another state shall register that
10 order in this State in the same manner provided in Sections 601
11 through 608 ~~Part 1~~ if the order has not been registered. A
12 petition for modification may be filed at the same time as a
13 request for registration, or later. The pleading must specify
14 the grounds for modification.

15 (Source: P.A. 90-240, eff. 7-28-97.)

16 (750 ILCS 22/610)

17 Sec. 610. Effect of registration for modification. A
18 tribunal of this State may enforce a child-support order of
19 another state registered for purposes of modification, in the
20 same manner as if the order had been issued by a tribunal of
21 this State, but the registered support order may be modified
22 only if the requirements of Section 611, ~~613~~, or 613 ~~615~~ have
23 been met.

1 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04.)

2 (750 ILCS 22/611)

3 Sec. 611. Modification of child-support order of another
4 state ~~Child Support Order of Another State.~~

5 (a) If Section 613 does not ~~no~~ apply, ~~except as otherwise~~
6 ~~provided in Section 615,~~ upon petition a tribunal of this State
7 may modify a child-support order issued in another state which
8 is registered in this State if, after notice and hearing, the
9 tribunal finds that:

10 (1) the following requirements are met:

11 (A) neither the child, nor the obligee ~~petitioner~~
12 who is an individual, nor the obligor ~~respondent~~
13 resides in the issuing state;

14 (B) a petitioner who is a nonresident of this State
15 seeks modification; and

16 (C) the respondent is subject to the personal
17 jurisdiction of the tribunal of this State; or

18 (2) this State is the ~~State of~~ residence of the child,
19 or a party who is an individual is subject to the personal
20 jurisdiction of the tribunal of this State, and all of the
21 parties who are individuals have filed consents in a record
22 in the issuing tribunal for a tribunal of this State to
23 modify the support order and assume continuing, exclusive
24 jurisdiction.

25 (b) Modification of a registered child-support order is

1 subject to the same requirements, procedures, and defenses that
2 apply to the modification of an order issued by a tribunal of
3 this State and the order may be enforced and satisfied in the
4 same manner.

5 (c) ~~A Except as otherwise provided in Section 615, a~~
6 tribunal of this State may not modify any aspect of a
7 child-support order that may not be modified under the law of
8 the issuing state, including the duration of the obligation of
9 support. If two or more tribunals have issued child-support
10 orders for the same obligor and same child, the order that
11 controls and must be so recognized under Section 207
12 establishes the aspects of the support order which are
13 nonmodifiable.

14 (d) In a proceeding to modify a child-support order, the
15 law of the state that is determined to have issued the initial
16 controlling order governs the duration of the obligation of
17 support. The obligor's fulfillment of the duty of support
18 established by that order precludes imposition of a further
19 obligation of support by a tribunal of this State.

20 (e) On the issuance of an order by a tribunal of this State
21 modifying a child-support order issued in another state, the
22 tribunal of this State becomes the tribunal having continuing,
23 exclusive jurisdiction.

24 (f) Notwithstanding subsections (a) through (e) and
25 Section 201(b), a tribunal of this State retains jurisdiction
26 to modify an order issued by a tribunal of this State if:

- 1 (1) one party resides in another state; and
2 (2) the other party resides outside the United States.

3 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04.)

4 (750 ILCS 22/612)

5 Sec. 612. Recognition of order modified in another state.
6 If a child-support order issued by a tribunal of this State is
7 modified by a tribunal of another state which assumed
8 jurisdiction pursuant to the Uniform Interstate Family Support
9 Act, a tribunal of this State:

10 (1) may enforce its order that was modified only as to
11 arrears and interest accruing before the modification;

12 (2) may provide appropriate relief for violations of
13 its order which occurred before the effective date of the
14 modification; and

15 (3) shall recognize the modifying order of the other
16 state, upon registration, for the purpose of enforcement.

17 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04.)

18 (750 ILCS 22/Art. 6 Pt. 4 heading new)

19 PART 4. REGISTRATION AND MODIFICATION
20 OF FOREIGN CHILD-SUPPORT ORDER

21 (750 ILCS 22/615)

22 Sec. 615. Jurisdiction to modify child-support order of
23 foreign country ~~or political subdivision.~~

1 (a) Except as otherwise provided in Section 711, if a
2 foreign country lacks or refuses to exercise jurisdiction to
3 modify its child-support order ~~If a foreign country or~~
4 ~~political subdivision that otherwise meets the requirements~~
5 ~~for inclusion under this Act as set forth in subpart (B) of the~~
6 ~~definition of "State" contained in Section 102 will not or may~~
7 ~~not modify its order~~ pursuant to its laws, a tribunal of this
8 State may assume jurisdiction to modify the child-support order
9 and bind all individuals subject to the personal jurisdiction
10 of the tribunal whether ~~or not~~ the consent to modification of a
11 child-support order otherwise required of the individual
12 pursuant to Section 611 has been given or whether the
13 individual seeking modification is a resident of this State or
14 of the foreign country ~~or political subdivision~~.

15 (b) An order issued by a tribunal of this State modifying a
16 foreign child-support order pursuant to this Section is the
17 controlling order.

18 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04.)

19 (750 ILCS 22/616 new)

20 Sec. 616. Procedure to register child-support order of
21 foreign country for modification. A party or support
22 enforcement agency seeking to modify, or to modify and enforce,
23 a foreign child-support order not under the Convention may
24 register that order in this State under Sections 601 through
25 608 if the order has not been registered. A petition for

1 modification may be filed at the same time as a request for
2 registration, or at another time. The petition must specify the
3 grounds for modification.

4 (750 ILCS 22/Art. 7 heading)

5 ARTICLE 7. SUPPORT PROCEEDING UNDER CONVENTION

6 ~~DETERMINATION OF PARENTAGE~~

7 (750 ILCS 22/701)

8 Sec. 701. Definitions ~~Proceeding to determine parentage.~~

9 In this Article:

10 (1) "Application" means a request under the Convention
11 by an obligee or obligor, or on behalf of a child, made
12 through a central authority for assistance from another
13 central authority.

14 (2) "Central authority" means the entity designated by
15 the United States or a foreign country described in Section
16 102(5)(D) to perform the functions specified in the
17 Convention.

18 (3) "Convention support order" means a support order of
19 a tribunal of a foreign country described in Section
20 102(5)(D).

21 (4) "Direct request" means a petition filed by an
22 individual in a tribunal of this State in a proceeding
23 involving an obligee, obligor, or child residing outside
24 the United States.

1 (5) "Foreign central authority" means the entity
2 designated by a foreign country described in Section
3 102(5)(D) to perform the functions specified in the
4 Convention.

5 (6) "Foreign support agreement":

6 (A) means an agreement for support in a record
7 that:

8 (i) is enforceable as a support order in the
9 country of origin;

10 (ii) has been:

11 (I) formally drawn up or registered as an
12 authentic instrument by a foreign tribunal; or

13 (II) authenticated by, or concluded,
14 registered, or filed with a foreign tribunal;

15 and

16 (iii) may be reviewed and modified by a foreign
17 tribunal; and

18 (B) includes a maintenance arrangement or
19 authentic instrument under the Convention.

20 (7) "United States central authority" means the
21 Secretary of the United States Department of Health and
22 Human Services. ~~A tribunal of this State authorized to~~
23 ~~determine parentage of a child may serve as a responding~~
24 ~~tribunal in a proceeding to determine parentage brought~~
25 ~~under this Act or a law substantially similar to this Act.~~

26 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04.)

1 (750 ILCS 22/702 new)

2 Sec. 702. Applicability. This Article applies only to a
3 support proceeding under the Convention. In such a proceeding,
4 if a provision of this Article is inconsistent with Articles 1
5 through 6, this Article controls.

6 (750 ILCS 22/703 new)

7 Sec. 703. Relationship of the Illinois Department of
8 Healthcare and Family Services to United States central
9 authority. The Department of Healthcare and Family Services of
10 this State is recognized as the agency designated by the United
11 States central authority to perform specific functions under
12 the Convention.

13 (750 ILCS 22/704 new)

14 Sec. 704. Initiation by Illinois Department of Healthcare
15 and Family Services of support proceeding under Convention.

16 (a) In a support proceeding under this Article, the
17 Department of Healthcare and Family Services of this State
18 shall:

19 (1) transmit and receive applications; and

20 (2) initiate or facilitate the institution of a
21 proceeding regarding an application in a tribunal of this
22 State.

23 (b) The following support proceedings are available to an

1 obligee under the Convention:

2 (1) recognition or recognition and enforcement of a
3 foreign support order;

4 (2) enforcement of a support order issued or recognized
5 in this State;

6 (3) establishment of a support order if there is no
7 existing order, including, if necessary, determination of
8 parentage of a child;

9 (4) establishment of a support order if recognition of
10 a foreign support order is refused under Section 708(b)(2),
11 (4), or (9);

12 (5) modification of a support order of a tribunal of
13 this State; and

14 (6) modification of a support order of a tribunal of
15 another state or a foreign country.

16 (c) The following support proceedings are available under
17 the Convention to an obligor against which there is an existing
18 support order:

19 (1) recognition of an order suspending or limiting
20 enforcement of an existing support order of a tribunal of
21 this State;

22 (2) modification of a support order of a tribunal of
23 this State; and

24 (3) modification of a support order of a tribunal of
25 another state or a foreign country.

26 (d) A tribunal of this State may not require security,

1 bond, or deposit, however described, to guarantee the payment
2 of costs and expenses in proceedings under the Convention.

3 (750 ILCS 22/705 new)

4 Sec. 705. Direct request.

5 (a) A petitioner may file a direct request seeking
6 establishment or modification of a support order or
7 determination of parentage of a child. In the proceeding, the
8 law of this State applies.

9 (b) A petitioner may file a direct request seeking
10 recognition and enforcement of a support order or support
11 agreement. In the proceeding, Sections 706 through 713 apply.

12 (c) In a direct request for recognition and enforcement of
13 a Convention support order or foreign support agreement:

14 (1) a security, bond, or deposit is not required to
15 guarantee the payment of costs and expenses; and

16 (2) an obligee or obligor that in the issuing country
17 has benefited from free legal assistance is entitled to
18 benefit, at least to the same extent, from any free legal
19 assistance provided for by the law of this State under the
20 same circumstances.

21 (d) A petitioner filing a direct request is not entitled to
22 assistance from the Illinois Department of Healthcare and
23 Family Services.

24 (e) This Article does not prevent the application of laws
25 of this State that provide simplified, more expeditious rules

1 regarding a direct request for recognition and enforcement of a
2 foreign support order or foreign support agreement.

3 (750 ILCS 22/706 new)

4 Sec. 706. Registration of convention support order.

5 (a) Except as otherwise provided in this Article, a party
6 who is an individual or a support enforcement agency seeking
7 recognition of a Convention support order shall register the
8 order in this State as provided in Article 6.

9 (b) Notwithstanding Sections 311 and 602(a), a request for
10 registration of a Convention support order must be accompanied
11 by:

12 (1) a complete text of the support order or an abstract
13 or extract of the support order drawn up by the issuing
14 foreign tribunal, which may be in the form recommended by
15 the Hague Conference on Private International Law;

16 (2) a record stating that the support order is
17 enforceable in the issuing country;

18 (3) if the respondent did not appear and was not
19 represented in the proceedings in the issuing country, a
20 record attesting, as appropriate, either that the
21 respondent had proper notice of the proceedings and an
22 opportunity to be heard or that the respondent had proper
23 notice of the support order and an opportunity to be heard
24 in a challenge or appeal on fact or law before a tribunal;

25 (4) a record showing the amount of arrears, if any, and

1 the date the amount was calculated;

2 (5) a record showing a requirement for automatic
3 adjustment of the amount of support, if any, and the
4 information necessary to make the appropriate
5 calculations; and

6 (6) if necessary, a record showing the extent to which
7 the applicant received free legal assistance in the issuing
8 country.

9 (c) A request for registration of a Convention support
10 order may seek recognition and partial enforcement of the
11 order.

12 (d) A tribunal of this State may vacate the registration of
13 a Convention support order without the filing of a contest
14 under Section 707 only if, acting on its own motion, the
15 tribunal finds that recognition and enforcement of the order
16 would be manifestly incompatible with public policy.

17 (e) The tribunal shall promptly notify the parties of the
18 registration or the order vacating the registration of a
19 Convention support order.

20 (750 ILCS 22/707 new)

21 Sec. 707. Contest of registered Convention support order.

22 (a) Except as otherwise provided in this Article, Sections
23 605 through 608 apply to a contest of a registered Convention
24 support order.

25 (b) A party contesting a registered Convention support

1 order shall file a contest not later than 30 days after notice
2 of the registration, but if the contesting party does not
3 reside in the United States, the contest must be filed not
4 later than 60 days after notice of the registration.

5 (c) If the nonregistering party fails to contest the
6 registered Convention support order by the time specified in
7 subsection (b), the order is enforceable.

8 (d) A contest of a registered Convention support order may
9 be based only on grounds set forth in Section 708. The
10 contesting party bears the burden of proof.

11 (e) In a contest of a registered Convention support order,
12 a tribunal of this State:

13 (1) is bound by the findings of fact on which the
14 foreign tribunal based its jurisdiction; and

15 (2) may not review the merits of the order.

16 (f) A tribunal of this State deciding a contest of a
17 registered Convention support order shall promptly notify the
18 parties of its decision.

19 (g) A challenge or appeal, if any, does not stay the
20 enforcement of a Convention support order unless there are
21 exceptional circumstances.

22 (750 ILCS 22/708 new)

23 Sec. 708. Recognition and enforcement of registered
24 Convention support order.

25 (a) Except as otherwise provided in subsection (b), a

1 tribunal of this State shall recognize and enforce a registered
2 Convention support order.

3 (b) The following grounds are the only grounds on which a
4 tribunal of this State may refuse recognition and enforcement
5 of a registered Convention support order:

6 (1) recognition and enforcement of the order is
7 manifestly incompatible with public policy, including the
8 failure of the issuing tribunal to observe minimum
9 standards of due process, which include notice and an
10 opportunity to be heard;

11 (2) the issuing tribunal lacked personal jurisdiction
12 consistent with Section 201;

13 (3) the order is not enforceable in the issuing
14 country;

15 (4) the order was obtained by fraud in connection with
16 a matter of procedure;

17 (5) a record transmitted in accordance with Section 706
18 lacks authenticity or integrity;

19 (6) a proceeding between the same parties and having
20 the same purpose is pending before a tribunal of this State
21 and that proceeding was the first to be filed;

22 (7) the order is incompatible with a more recent
23 support order involving the same parties and having the
24 same purpose if the more recent support order is entitled
25 to recognition and enforcement under this Act in this
26 State;

1 (8) payment, to the extent alleged arrears have been
2 paid in whole or in part;

3 (9) in a case in which the respondent neither appeared
4 nor was represented in the proceeding in the issuing
5 foreign country:

6 (A) if the law of that country provides for prior
7 notice of proceedings, the respondent did not have
8 proper notice of the proceedings and an opportunity to
9 be heard; or

10 (B) if the law of that country does not provide for
11 prior notice of the proceedings, the respondent did not
12 have proper notice of the order and an opportunity to
13 be heard in a challenge or appeal on fact or law before
14 a tribunal; or

15 (10) the order was made in violation of Section 711.

16 (c) If a tribunal of this State does not recognize a
17 Convention support order under subsection (b) (2), (4), or (9):

18 (1) the tribunal may not dismiss the proceeding without
19 allowing a reasonable time for a party to request the
20 establishment of a new Convention support order; and

21 (2) the Illinois Department of Healthcare and Family
22 Services shall take all appropriate measures to request a
23 child-support order for the obligee if the application for
24 recognition and enforcement was received under Section
25 704.

1 (750 ILCS 22/709 new)

2 Sec. 709. Partial enforcement. If a tribunal of this State
3 does not recognize and enforce a Convention support order in
4 its entirety, it shall enforce any severable part of the order.
5 An application or direct request may seek recognition and
6 partial enforcement of a Convention support order.

7 (750 ILCS 22/710 new)

8 Sec. 710. Foreign support agreement.

9 (a) Except as otherwise provided in subsections (c) and
10 (d), a tribunal of this State shall recognize and enforce a
11 foreign support agreement registered in this State.

12 (b) An application or direct request for recognition and
13 enforcement of a foreign support agreement must be accompanied
14 by:

15 (1) a complete text of the foreign support agreement;
16 and

17 (2) a record stating that the foreign support agreement
18 is enforceable as an order of support in the issuing
19 country.

20 (c) A tribunal of this State may vacate the registration of
21 a foreign support agreement only if, acting on its own motion,
22 the tribunal finds that recognition and enforcement would be
23 manifestly incompatible with public policy.

24 (d) In a contest of a foreign support agreement, a tribunal
25 of this State may refuse recognition and enforcement of the

1 agreement if it finds:

2 (1) recognition and enforcement of the agreement is
3 manifestly incompatible with public policy;

4 (2) the agreement was obtained by fraud or
5 falsification;

6 (3) the agreement is incompatible with a support order
7 involving the same parties and having the same purpose in
8 this State, another state, or a foreign country if the
9 support order is entitled to recognition and enforcement
10 under this Act in this State; or

11 (4) the record submitted under subsection (b) lacks
12 authenticity or integrity.

13 (e) A proceeding for recognition and enforcement of a
14 foreign support agreement must be suspended during the pendency
15 of a challenge to or appeal of the agreement before a tribunal
16 of another state or a foreign country.

17 (750 ILCS 22/711 new)

18 Sec. 711. Modification of Convention child-support order.

19 (a) A tribunal of this State may not modify a Convention
20 child-support order if the obligee remains a resident of the
21 foreign country where the support order was issued unless:

22 (1) the obligee submits to the jurisdiction of a
23 tribunal of this State, either expressly or by defending on
24 the merits of the case without objecting to the
25 jurisdiction at the first available opportunity; or

1 (2) the foreign tribunal lacks or refuses to exercise
2 jurisdiction to modify its support order or issue a new
3 support order.

4 (b) If a tribunal of this State does not modify a
5 Convention child-support order because the order is not
6 recognized in this State, Section 708(c) applies.

7 (750 ILCS 22/712 new)

8 Sec. 712. Personal information; limit on use. Personal
9 information gathered or transmitted under this Article may be
10 used only for the purposes for which it was gathered or
11 transmitted.

12 (750 ILCS 22/713 new)

13 Sec. 713. Record in original language; English
14 translation. A record filed with a tribunal of this State under
15 this Article must be in the original language and, if not in
16 English, must be accompanied by an English translation.

17 (750 ILCS 22/802)

18 Sec. 802. Conditions of rendition.

19 (a) Before making a demand that the governor of another
20 state surrender an individual charged criminally in this State
21 with having failed to provide for the support of an obligee,
22 the Governor of this State may require a prosecutor of this
23 State to demonstrate that at least 60 days previously the

1 obligee had initiated proceedings for support pursuant to this
2 Act or that the proceeding would be of no avail.

3 (b) If, under this Act or a law substantially similar to
4 this Act, the Governor of another state makes a demand that the
5 governor of this State surrender an individual charged
6 criminally in that state with having failed to provide for the
7 support of a child or other individual to whom a duty of
8 support is owed, the governor may require a prosecutor to
9 investigate the demand and report whether a proceeding for
10 support has been initiated or would be effective. If it appears
11 that a proceeding would be effective but has not been
12 initiated, the governor may delay honoring the demand for a
13 reasonable time to permit the initiation of a proceeding.

14 (c) If a proceeding for support has been initiated and the
15 individual whose rendition is demanded prevails, the governor
16 may decline to honor the demand. If the petitioner ~~obligee~~
17 prevails and the individual whose rendition is demanded is
18 subject to a support order, the governor may decline to honor
19 the demand if the individual is complying with the support
20 order.

21 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04.)

22 (750 ILCS 22/902 new)

23 Sec. 902. Transitional provision. This amendatory Act of
24 the 99th General Assembly applies to proceedings begun on or
25 after the effective date of this amendatory Act of the 99th

1 General Assembly to establish a support order or determine
2 parentage of a child or to register, recognize, enforce, or
3 modify a prior support order, determination, or agreement,
4 whenever issued or entered.

5 (750 ILCS 22/903)

6 Sec. 903 ~~902~~. Severability ~~clause~~. If any provision of this
7 Act or its application to any person or circumstance is held
8 invalid, the invalidity does not affect other provisions or
9 applications of this Act which can be given effect without the
10 invalid provision or application, and to this end the
11 provisions of this Act are severable.

12 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04.)

13 (750 ILCS 22/905) (was 750 ILCS 22/903)

14 Sec. 905 ~~903~~. Effective date. (See Sec. 999 for effective
15 date.)

16 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04.)

1 INDEX
2 Statutes amended in order of appearance

- 3 750 ILCS 22/102 was 750 ILCS 22/101
- 4 750 ILCS 22/103 was 750 ILCS 22/102
- 5 750 ILCS 22/104 was 750 ILCS 22/103
- 6 750 ILCS 22/105 new
- 7 750 ILCS 22/201
- 8 750 ILCS 22/203
- 9 750 ILCS 22/204
- 10 750 ILCS 22/205
- 11 750 ILCS 22/206
- 12 750 ILCS 22/207
- 13 750 ILCS 22/208
- 14 750 ILCS 22/209
- 15 750 ILCS 22/210
- 16 750 ILCS 22/211
- 17 750 ILCS 22/301
- 18 750 ILCS 22/302
- 19 750 ILCS 22/304
- 20 750 ILCS 22/305
- 21 750 ILCS 22/306
- 22 750 ILCS 22/307
- 23 750 ILCS 22/308
- 24 750 ILCS 22/310
- 25 750 ILCS 22/311

- 1 750 ILCS 22/312
- 2 750 ILCS 22/313
- 3 750 ILCS 22/314
- 4 750 ILCS 22/316
- 5 750 ILCS 22/317
- 6 750 ILCS 22/318
- 7 750 ILCS 22/319
- 8 750 ILCS 22/Art. 4 heading
- 9 750 ILCS 22/401
- 10 750 ILCS 22/402 new
- 11 750 ILCS 22/Art. 5 heading
- 12 750 ILCS 22/502
- 13 750 ILCS 22/503
- 14 750 ILCS 22/504
- 15 750 ILCS 22/505
- 16 750 ILCS 22/506
- 17 750 ILCS 22/507
- 18 750 ILCS 22/Art. 6 Pt. 1
- 19 heading
- 20 750 ILCS 22/601
- 21 750 ILCS 22/602
- 22 750 ILCS 22/603
- 23 750 ILCS 22/604
- 24 750 ILCS 22/605
- 25 750 ILCS 22/606
- 26 750 ILCS 22/607

- 1 750 ILCS 22/608
- 2 750 ILCS 22/Art. 6 Pt. 3
- 3 heading
- 4 750 ILCS 22/609
- 5 750 ILCS 22/610
- 6 750 ILCS 22/611
- 7 750 ILCS 22/612
- 8 750 ILCS 22/Art. 6 Pt. 4
- 9 heading new
- 10 750 ILCS 22/615
- 11 750 ILCS 22/616 new
- 12 750 ILCS 22/Art. 7 heading
- 13 750 ILCS 22/701
- 14 750 ILCS 22/702 new
- 15 750 ILCS 22/703 new
- 16 750 ILCS 22/704 new
- 17 750 ILCS 22/705 new
- 18 750 ILCS 22/706 new
- 19 750 ILCS 22/707 new
- 20 750 ILCS 22/708 new
- 21 750 ILCS 22/709 new
- 22 750 ILCS 22/710 new
- 23 750 ILCS 22/711 new
- 24 750 ILCS 22/712 new
- 25 750 ILCS 22/713 new
- 26 750 ILCS 22/802

HB3512

- 73 -

LRB099 09539 HEP 29747 b

1 750 ILCS 22/902 new

2 750 ILCS 22/903

3 750 ILCS 22/905 was 750 ILCS 22/903